

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GLENN PRICE,

Plaintiffs,

v.

Case No.: 8:21-cv-2788-CEH-AAS

**KNAUF GIPS KG; and KNAUF
PLASTERBOARD TIANJIN CO.,
LTD,**

Defendants.

_____ /

ORDER

Plaintiffs move for an order allowing service of process on Defendants' United States counsel by electronic means, including via e-mail, under Fed. R. Civ. P. 4(f)(3). (Doc. 6). Defendants are foreign business entities in this action for Plaintiffs' damages due to Defendants' alleged role in connection with the Chinese-manufactured drywall product at issue. Federal Rule of Civil Procedure 4(f)(3) allows a district court to order an alternative method of service to be effectuated upon foreign defendants if it is not prohibited by international agreement and is reasonably calculated to give notice to the defendants. *See* Fed. R. Civ. P. 4(f)(3); *see Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 972 (11th Cir. 2003) ("[D]istrict

courts have broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements.”).

Alternative service on Defendants’ United States counsel is permissible under Rule 4. According to Plaintiffs, the same United States counsel represent Defendants and have for more than a decade. United States counsel defends Defendants in similar Chinese drywall litigation pending around the country. In addition, alternative service on Defendants’ counsel is justified because the original action, from which this case was severed, was filed in December 2014 and service of process through the Hague Convention for that original action began in late 2014 and was not completed until mid-2017. Requiring Plaintiffs to repeat that service of process through the Hague Convention would unnecessarily delay this severed case. Further, service on Defendants’ United States counsel comports with due process as it is reasonably calculated to apprise Defendants of the action against them (even though they already appear to be aware of this action) and will afford Defendants an opportunity to present any objections.

Accordingly, Plaintiffs’ motion (Doc. 6) is **GRANTED**. Service on Defendants may be accomplished via electronic means (including email)

directly on Defendants' United States counsel, under Fed. R. Civ. P. 4(f)(3).

ORDERED in Tampa, Florida on December 22, 2021.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge